IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.E.N.PATRUDU

WRIT PETITION NO :24813 of 2005

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Dated: 23rd January 2006.

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Between:

The Project Officer, I.T.D.A., Parvathipuram and another

..... PETITIONERS

AND

Lava Mahanti

.....RESPONDENT

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.E.N.PATRUDU

W.P.NO.24813 OF 2005

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by an order of the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal') in O.A.No.8155 of 2001, dated 05-09-2005, the respondents therein preferred the present writ petition.

The sole respondent herein, who was the applicant before the Tribunal, applied for the post of Girijan Vidya Vikas Kendram Teacher in the Agency area. In the selection process, he was declared successful and called for oral interview on 31st December 2000 and declared selected. Thereafter, his name was shown at serial No.2 of the merit list of the selected candidates. The respondent claims to be a candidate belonging to Scheduled Tribe. It appears that the petitioners suspected the accuracy of the claim of the respondent and referred the matter under Act No.16 of 1993 (State Act) for an examination of the issue. Interestingly, the said examination is still pending, even after a lapse of five years. In view of the pendency of the said examination, the respondent, however, was not given the order of appointment and therefore, he approached the Tribunal by way of the abovementioned O.A. By the order impugned in the present writ petition, the O.A., was allowed directing the petitioners herein to appoint the respondent and hence, the present writ petition.

It appears that in the interregnum, by a proceeding dated 20th December 2005, the sole respondent was, in fact, appointed as a Girijan Vidya Vikas Kendram Teacher by the petitioners. Except that a long impending enquiry under Act 16 of 1993, the respondent is, otherwise, qualified and is a successful candidate in the selection process conducted by the petitioners. Hence, we do not see any reason to interfere with the order under challenge.

In the background of the abovementioned facts, the writ petition is, therefore,

dismissed at the admission stage, however, with a liberty to the petitioners to take such appropriate action as available to them under law, if ever, an adverse finding is reported regarding the social status of the respondent herein.

J.Chelameswar, J

M.E.N.Patrudu, J

4th January 2006

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